HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

and

HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT APPEAL NO : 2424 of 2005

&

WRIT PETITION NO. 13304 OF 2005

Between:

1 Pothula Narasimhulu, S/o.Narasiah,
R/o.Sindhanthipuram, Khajipet Mandal,Kadapa district and another.

APPELLANTS/
PETITIONERS

AND

The Mandal Revenue Officer, Mydukur Mandal,Kadapa district.

.....RESPONDENT

::JUDGMENT::

Counsel for the Appellants: SMT.V.DYUMANI

Counsel for the Respondent: GP FOR REVENUE

27th December, 2005

Per G.S. Singhvi, CJ

This is an appeal for setting aside order dated 27.6.2005 by which the learned Single Judge dismissed Writ Petition No. 13304 of 2005 filed by the appellant against their threatened dispossession from land measuring Ac. 1.25 comprised in Survey No. 453/2 and Ac.1.00 comprised in Survey No. 453/1 of Nandalampet Village, Khajipet Mandal of Kadapa District on the ground that the writ petitioners have not produced any evidence to show their title over the property in question.

When the appeal was taken up for hearing on 13.12.2005, learned counsel for the appellants made a request for adjournment to enable her clients to bring on record additional documents, which did not form part of the writ petition. Her request was accepted and the case was adjourned for today.

By taking advantage of the liberty given by the Court, the appellants have filed large number of documents to show that they had purchased the disputed land from the assignees. The learned Government Pleader has also produced xerox copy of order dated 5.8.2003 passed by Mandal Revenue Officer, Mydukur by which the land bearing Survey No. 453/3 was resumed to the Government for eventual assignment to the landless poor for agricultural purpose. She also produced xerox copy of order dated 15.10.2004 passed by the same Mandal Revenue Officer cancelling the 'D' Form patta issued in the name of Smt. Idagottu Balamma, W/o. Seshanna of Lakshmipalli.

Copies of the documents produced by the learned Government pleader have been supplied to the learned counsel for the appellants. She now requests that her client may be permitted to withdraw this appeal as also the writ petition with liberty to file a fresh petition for challenging orders dated 5.8.2003 and 15.10.2004 passed by Mandal Revenue Officer, Mydukur and also reiterate the prayers made in Writ Petition No.13304 of 2005. She also made a request that the Court may direct the parties to maintain status quo for a period of four weeks within which her clients may file fresh petition.

Learned Government Pleader says that the land, which was resumed by the Mandal

Revenue Officer in 2003, has already been assigned to third parties and they are enjoying the actual possession.

By taking into consideration the statement of learned counsel for the parties, we accept the prayer made by the counsel for the appellants and grant leave to her clients to withdraw the appeal as also the writ petition with liberty to challenge orders dated 5.8.2003 and 15.10.2004 passed by Mandal Revenue Officer, Mydukur before appropriate forum. However, the request made by the learned counsel for directing the parties to maintain status-quo is rejected.

G.S. SINGHVI, CJ

Date: 27th December, 2005

R. SUBHASH REDDY,J

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